IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No.2939 of 2004
With
Civil Application No.2942 of 2004
In
Writ Petition No.2882 of 1984

Smt.Shantabai Ramalal Pardesh
since deceased through LRs. Petitioners
and ors.
Vs.
Sou. Umabai V. Deshmukh
since deceased though LR & ors. Respondents

Mr.A.M.Joshi for petitioners.
Mr.P.S.Dani for resp.1-A.

CORAM: B.H.MARLAPALLE,J.

March 30, 2007.

P.C.

. Writ Petition No.2882 of 1984 was dismissed in default on 23/7/2002 and hence this application for its restoration.

. As per the office note the application is beyond time by two years and 106 days. It is submitted that the applicants had filed Civil Application No.2942 of 2002 for fixing early date of hearing and then they realised that the petition was already dismissed in default. It appears the advocate concerned and who initially appeared in the writ petition did not communicate the order of

dismissal of the petition.

. Hence delay is condoned subject to payment of costs quantified at RS.1000/- and to be remitted to the Maharashtra State Legal Services Authority within a period of two weeks from today.

. Civil Application No.2939 of 2004 n is allowed in terms of prayer clause (b).

. Civil Application No.2942 of 2002 does not survive and the same stands disposed as such.

. Writ Petition No.2882 of 1984 be added in the final hearing board as soon as the cost amount is remitted.

(B.H